

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Andrea M. Camarote
Debtor

SN Servicing Corporation as servicer
for U.S. Bank Trust National
Association, as Trustee of the FW
Series I Trust
v.

Andrea M. Camarote
Scott F. Waterman
Respondents

CASE NO.: 24-13536-amc

CHAPTER 13

Judge: Ashely M. Chan

Hearing Date: February 5, 2025 at 11:00 am

Objection Deadline: January 23, 2025

MOTION FOR RELIEF FROM THE
AUTOMATIC STAY

SN Servicing Corporation as servicer for U.S. Bank Trust National Association, as Trustee of the FW Series I Trust (on behalf of itself and together with any successor and/or assign, “Movant”) hereby moves this Court for an Order (i) pursuant to 11 U.S.C. § 362 (d)(1) and (d)(2); vacating the automatic stay to permit Movant, its successors and/or assigns, to enforce its mortgage on the Debtor’s premises located at 3128 Chatham St, Philadelphia, PA 19134 and (ii) for such other and further relief as is just and proper. In support of this Motion, Movant respectfully states:

1. Movant is the holder of a Note executed by Andrea M. Camarote dated January 22, 2007, whereby Andrea M. Camarote promised to repay \$145,000.00 plus interest to Prime One Mortgage, LLC (the “Original Lender”). To secure the repayment of the Note, Andrea M. Camarote executed a Mortgage in favor of Prime One Mortgage, LLC, encumbering the Property commonly known as 3128 Chatham St, Philadelphia, PA 19134, which Mortgage was recorded in the Official records of Philadelphia County as Instrument Number 51618406, (hereinafter

“Mortgage”). Other than liens with statutory priority, Movant’s mortgage is in first lien position. The Mortgage was ultimately assigned to Movant by an Assignment of Mortgage. A copy of the Note, Mortgage and Assignments of Mortgage are attached hereto as **Exhibit A**.

2. The Petition under Chapter 13 of the United States Bankruptcy Code was filed by the Debtor Andrea M. Camarote on October 1, 2024.

3. This Court has jurisdiction over this case and this motion pursuant to 28 U.S.C. §§ 157 and 1334.

4. Venue of this case and this motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The Debtor has failed to make current mortgage payments due under the terms of the Loan. As a result, the Loan remains post-petition due for November 1, 2024, and each subsequent payment thereafter.

6. Pursuant to 11 U.S.C. § 362(d)(1), the court shall enter an order granting a secured creditor relief from the automatic stay for cause “including the lack of adequate protection of an interest in property of such party and interest.”

7. Specifically, courts have found cause for the granting of relief from an automatic stay where the debtor has failed to make post-petition mortgage payments as they become due. In *Re Taylor*, 151 B.R. 646, 648 (Bankr. E.D.N.Y. 1993).

8. Relief pursuant to 11 U.S.C. § 362(d)(2) is also appropriate due to the lack of equity in the Property. The Debtor’s outstanding amount of the obligations to Movant, less any partial payments or suspense balance, is approximately \$240,564.96 as of January 3, 2025.

9. According to the Debtor’s Schedule D, the Property has a value of \$173,556.80. Thus, by the Debtor’s own admission, there is no equity remaining in the Property, and it is not

necessary for effective reorganization of the Debtor. A copy of the Debtor's Schedule D is attached hereto as **Exhibit B**.

10. Movant respectfully requests reasonable attorney fees in the amount of \$1,350.00 and costs in the amount of \$199.00.

WHEREFORE, Movant respectfully requests an Order of this Court vacating the automatic stay and for such other, further and additional relief as to this Court may deem just, proper and equitable.

Dated: January 9, 2025

By: /s/ Lauren Moyer

Lauren Moyer, Esq.

FRIEDMAN VARTOLO LLP

Attorneys for SN Servicing Corporation as servicer
for U.S. Bank Trust National Association, as

Trustee of the FW Series I Trust

1325 Franklin Avenue, Suite 160

Garden City, NY 11530

T: (212) 471-5100

F: (212) 471-5150

Bankruptcy@FriedmanVartolo.com